

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
NORTHEASTERN DIVISION

United States of America,)
)
)
Plaintiff,)
)
)
vs.)
) Case No. 2:02-cr-11
Clinton Andy McKay,) Case No. 2:02-cr-53
)
)
Defendant.)

ORDER ADOPTING REPORT AND RECOMMENDATION

On November 19, 2008, the supervising probation officer filed a petition alleging a violation of supervised release (doc. #139).¹ A hearing on the petition was held before the Honorable Alice R. Senechal, Magistrate Judge, on December 5, 2008 (doc. #157). At the hearing, McKay admitted to the violations charged in the petition, and the parties made a joint recommendation regarding sentencing.

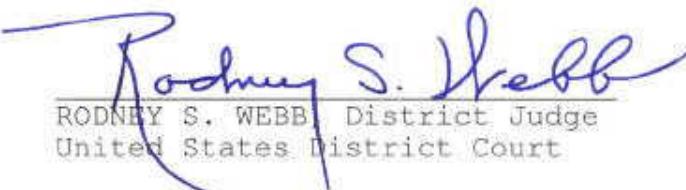
Before the Court is a Report and Recommendation from the Magistrate Judge, recommending this Court find the Defendant violated conditions of his supervised release (doc. #159). Upon review of these items and the entire file, the Court finds the Magistrate Judge's Recommendations correct and hereby adopts the Report and Recommendation. The Court thus **FINDS** that a violation of supervised release has occurred as alleged in the petition.

¹ All citations made to the record are in case number 2:02-cr-11.

Based upon the Magistrate Judge's Recommendations, **IT IS ORDERED** that the Defendant's supervised release is revoked and that the Defendant be incarcerated for a term of ten (10) months. The Court **RECOMMENDS** to the Bureau of Prisons that the Defendant be designated to Lake Region Law Enforcement Center. No additional supervised release is ordered after completion of this term. However, McKay's restitution and community service obligations are not modified.

IT IS SO ORDERED.

Dated this 18th day of December, 2008.


RODNEY S. WEBB, District Judge
United States District Court